

Docket Entry Nos. 11, 12

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY
CAMDEN VICINAGE**

JOHN D. SIMRIN,

Plaintiff,

v.

CORRECTIONAL MEDICAL SERVICES,
et al.,

Defendants.

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Civil No. 05:2223 (RBK)

ORDER

THESE MATTERS having come before the Court upon motion by (1) Defendant New Jersey Department of Corrections (“NJDOC”) to dismiss Plaintiff’s Complaint for failure to state a claim, and (2) Defendants Correctional Medical Services, Dr. Abu Ahsan, Dr. Richard Hellander, Marie Perkins, and Dr. Philip Slonim (collectively “CMS Group”) to dismiss Plaintiff’s Complaint for failure to state a claim; and the Court having considered the motion papers; and there being no opposition thereto; and for the reasons set forth in the Opinion issued this date;

IT IS HEREBY ORDERED that NJDOC’s motion to dismiss is **GRANTED**, and that all claims against NJDOC are barred by the Eleventh Amendment and must be dismissed pursuant to Federal Rule of Civil Procedure 12(b)(1); and

IT IS FURTHER ORDERED that the CMS Group’s motion to dismiss is **GRANTED**, and that all claims against “CMS Nurses” are dismissed because “CMS

Nurses” is not a legal entity subject to suit.

Dated: 2-24-06

s/ Robert B. Kugler

ROBERT B. KUGLER

United States District Judge